CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

April 16, 2013

Mr. Charles Liebal
OPW Fueling Containment Systems
3250 Highway 70 Business West
Smithfield, NC 27577

Dear Mr. Liebal:

Evaluation of Stage I Vapor Recovery Components, OPW 71SO-4XXCT Series of Testable Overfill Prevention Valves

As you know, Assembly Bill 2955 (Statutes 2004, Chapter 649) added Health and Safety Code (H&SC), Chapter 6.7, Section 25290.1.2(a). This addition requires the Air Resources Board (ARB) and State Water Resources Control Board (State Water Board) to certify, to the best of their knowledge and using existing resources, that equipment meeting the ARB's Enhanced Vapor Recovery (EVR) requirements also meets underground storage tank (UST) statutory requirements.

The State Water Board has received an information packet from you detailing a proposed modification to the current OPW 71SO series of overfill prevention valves. The proposed modification would allow the overfill prevention valve to be tested in place in lieu of removing it from the UST for the purpose of testing. The proposed modification has been reviewed by a California Registered Professional Engineer, as indicated in the enclosed signed statement dated March 1, 2013. Based on this signed statement and the information you provided, we have found no evidence that the 71SO-4XXCT series of testable overfill prevention valves conflicts with H&SC, Chapter 6.7.

This determination assumes the OPW Phase I EVR System is installed and maintained in accordance with the most recent ARB Executive Order and manufacturer's instructions. Pursuant to H&SC, Chapter 6.7, Section 25290.1.2(a) the State Water Board certifies that, to the best of its knowledge, the inclusion of 71SO-4XXCT series to the OPW Phase I EVR System as outlined in the April 10, 2007 letter meets the requirements of H&SC, Chapter 6.7.

If you have questions regarding this letter, please contact Ms. Laura Fisher at 916-341-5870, or by email at lfisher@waterboards.ca.gov.

Sincerely,

Victoria A. Whitney

Vicky A. Whitney
Deputy Director
Division of Water Quality

Enclosures (2): Third Party Review and Approval of OPW 71SO Vapor Tight, Overfill Prevention Valve with Test Capability

OPW 71SO-4XXCT Series Component Cut Sheets

OPW

A DOVER COMPANY

October 8, 2012

Laura Fisher
State Water Resources Control Board
Division of Water Quality
Underground Storage Tank Program
PO Box 100
Sacramento, California 95812-0100

Subject: Request to add Stage I Vapor Recovery Components,
OPW 71SO-4XXCT series of testable overfill prevention valves

Dear Laura,

OPW is currently working with ARB on getting our new testable 71SO series overfill prevention valves for use with UST's approved and added to OPW executive order VR-102. The testable 71SO series is nearly identical to the previously reviewed standard 71SO series of products with the exception of the new testable feature. This new series of products includes a cable attached to the float allowing the valve to be actuated and inspected without removing it from the tank. The only differences between the standard and testable 71SO series are the addition of a plug to the inlet tube and the cable attached to the float. The standard 71SO series of products has been evaluated previously and the determination letter dated April 10, 2007 is shown online at http://www.swrcb.ca.gov/ust/leak_prevention/evr_determination_letters.shtml.

Attached to this letter is a product list, cut sheets, and drawing for the new product.

If you have no concerns regarding these modifications please send us a determination letter that we can send to ARB.

If you have any questions, please contact me at (919) 934 2786 ext. 206

Best Regards,

Charles Liebal

Charles Liebal
OPW Fueling Containment Systems
Product Manager
Phone: (919) 934-2786 x206
Email: cliebal@opwfcs.com

Product List

OPW Testable 71SO Overfill Prevention Valves

71SO-400CT	Vapor Tight Overfill Valve, 5 ft bury, 8 ft tank
71SO-410CT	Vapor Tight Overfill Valve, 10 ft bury, 10 ft tank
71SO-420CT	Vapor Tight Overfill Valve, 10 ft bury, 12 ft tank
71SOM-412CT	Vapor Tight Overfill Valve, Mixed alcohols, 10 ft bury, 10 ft tank

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Component Cut Sheets

OPW Fueling Containment Systems

3250 Highway 70 Business West
Smithfield NC, USA 27577
919-934-2786

Mission Statement

Revolutionizing fueling operations globally by optimizing safety, efficiency, reliability, and environmental sustainability through innovative fuel handling and information management solutions

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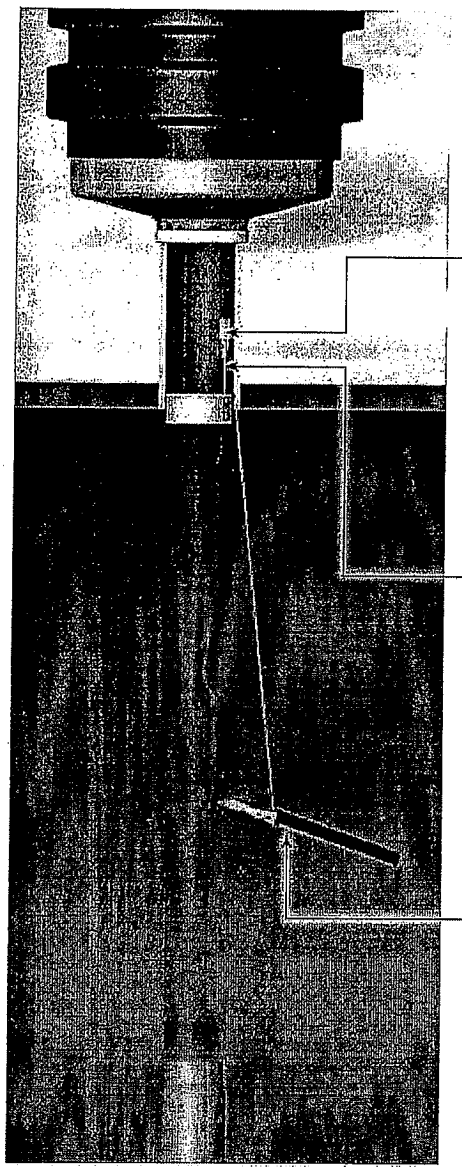
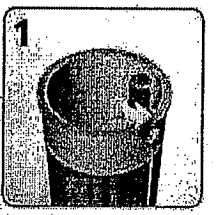
www.opwglobal.com

Testable 7150 Overfill Prevention Valve

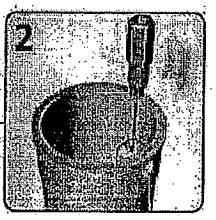


Testing & Verification

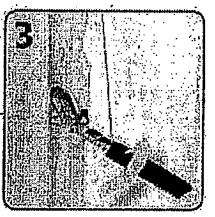
Easy as 1·2·3



Loosen test plug



Lift float with cable to simulate fill



Validate proper poppet operation

The OPW Testable 7150 helps you prepare for these regulations

- The Only UST Overfill Prevention Valve that is testable without removal from the tank
- A testable feature is attached to a sealed plug in the inlet adapter
- The plug is easily accessed with a standard socket extension
- Attached to the extension, the testable feature can be raised and lowered, allowing the user to inspect the valve operation from the inside of the tube
- The plug is then easily reinstalled to the inlet adapter from grade
- No fill components, overfill valves, or vapor tight seals have to be removed - avoids compromising vapor tight compliance
- The Testable 7150 uses the same industry leading overfill prevention technology for strong vapor tight compliance

OPW FUELING CONTAINMENT SYSTEMS

A DOVER COMPANY

3250 US Hwy. 70 Business West ✦ Smithfield, NC 27577 ✦ Customer Service: (800) 422-2525 ✦ Fax: (800) 421-5297

OPW

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Materials

Valve body: Cast aluminum
Float: Nitrile rubber, closed cell foam
Valve: Aluminum
Seals: Viton®
Upper & lower Drop Tube: Aluminum
Plastic parts: Acetal
Hardware: Stainless steel

Important

In order to prevent product spillage from the Underground Storage Tank (UST), properly maintained delivery equipment and a proper connection at the tight-fill adaptor are essential. Delivery personnel should be managed and trained to inspect delivery elbows and hoses for damaged and missing parts. They should always make certain there is a positive connection between the adaptor and elbow. If delivery equipment is not properly maintained, or the elbow is not securely coupled to the adaptor, a serious spill may result when the OPW 71SO closes, causing a hazard and environmental contamination.

NOTE: The OPW 71SO is designed for use on tight-fill gravity drop applications only. Do not use for pressure fill applications.

Features

- ✦ Simple, Easy and Quick Installation – no excavation or special manholes required.
- ✦ Economical – costs a fraction of expensive, complicated and difficult-to-install valves.
- ✦ Furnished Complete – supplied with new upper and lower drop tubes, mounting hardware and thorough instructions for quick job site time.
- ✦ Completely Automatic Operation – no prechecks to perform, no resets and no overrides to be broken or abused.
- ✦ No Pressurization of the Tank – operates directly from liquid level.
- ✦ Will Accept a Dipstick for Gauging
- ✦ Retrofits Directly – for both new and existing tanks with 4" fill risers.
- ✦ Quick Drain Feature – automatically drains hose when head pressure is relieved.
- ✦ Best Flow Rate in The Industry*

*Test-witnessed by Bowser-Morner, Inc., an independent laboratory. Results available upon request.

Advantages of Overfill Prevention Compared to Overfill Warning Systems:

- ✦ Completely Automatic Operation – does not rely on the alertness or speed of response of the delivery attendant for certainty of overfill prevention.
- ✦ Keeps the Top of UST "Dry," per EPA Requirements – eliminating possible leaks at loose bung fittings and the need for double containment on vent lines.
- ✦ Does Not Rely on Pressure in the UST to Stop Flow – allowing faster fill times and reducing spill risk.
- ✦ Speeds Delivery Operations – product flows unimpeded into the tank until the hose "kick" that accompanies the valve shut-off provides a clear signal that the liquid has reached the shut-off level.
- ✦ Simple and Inexpensive Installation – in both two-point and coaxial fill applications, no additional excavation manholes or vent piping are required.

OPW 71SO Overfill Prevention Valves

OPW 71SO OVERFILL PREVENTION VALVE

The CARB-certified OPW 71SO vapor-tight Overfill Prevention Valve is designed to prevent the overfill of underground storage tanks by providing a positive shut-off of product delivery. The shut-off valve is an integral part of the drop tube used for gravity filling. The OPW 71SO allows easy installation (without breaking concrete) and requires no special manholes.

The OPW 71SO is a vapor-tight two-stage shut-off valve. When the liquid level rises to about 95% of tank capacity, the valve mechanism is released, closing automatically with the flow. This reduces the flow rate to approximately 5 gpm through a bypass valve. The operator may then stop the filling process and disconnect and drain the delivery hose. As long as the liquid exceeds the 95% level, the valve will close automatically each time delivery is attempted.

If the delivery is not stopped and the liquid rises to about 98% of tank capacity, the bypass valve closes completely. No additional liquid can flow into the tank until the level drops below a reset point.

71SO Instruction Sheet Order Number: H15524PA

Listings and Certifications

California Air Resources Board

ULC

Look for this label for authentic OPW EVR Approved products.

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OPW 71SO OVERFILL PREVENTION VALVE

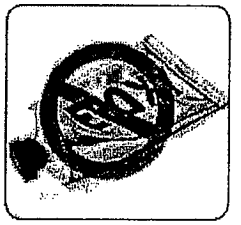
Raising The Standard In Overfill Prevention

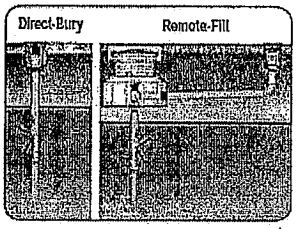
From the company that brought you the industry standard OPW 61SO, OPW raises the standard with the introduction of the New 71SO Overfill Prevention Valve – breakthrough innovation that takes overfill prevention to a whole new level of overfill perfection.

- Eliminates curing issues due to hot or cold temperatures
- Easier, quicker, installation
- Higher quality, more reliable installation
- Lower costs
- Greater protection against fugitive emissions and pressure decay
- Fastest flow rate in the industry

The new 71SO is a two-stage, positive shut-off valve, providing completely automatic operation with no pre-checks to perform, no resets, and no overrides to be broken or abused. The valve closes when the tank level rises to 95% capacity and provides a special bypass valve so the tank can be filled to a maximum capacity of 98%. The 71SO is available for direct-bury and remote applications.

No Epoxy Sealants Required!





71SO Ordering Specifications

Product No.	Description	A- Upper Tube Length		B- Lower Tube Length		C- Overall Length		Max. Riser Length		Max. Nominal Tank Dia.		Max. Actual Tank Dia.		Weight	
		in.	m	in.	m	in.	m	in.	m	in.	m	in.	m	lbs.	kg
71SO-408C	Vapor-Tight Overfill Valve, 5 Ft. Bury, 8 Foot Tank	60	1.5	83	2.1	155-3/4	3.9	53-1/2	1.4	96	2.4	107	2.7	16	7
71SO-410C	Vapor-Tight Overfill Valve, 10 Ft. Bury, 10 Foot Tank	120	3.1	102	2.6	234-3/4	5.9	113-1/2	2.9	120	3.1	126	3.2	25	11
71SO-420C	Vapor-Tight Overfill Valve, 10 Ft. Bury, 12 Foot Tank	120	3.1	126	3.2	258-3/4	6.5	113-1/2	2.9	144	3.7	150	3.8	26	12
71SO-4008	Non Vapor-tight Overfill Valve, 5 ft. Bury, 8 ft. Tank	60	1.5	83	2.1	155-3/4	3.9	53-1/2	1.4	96	2.4	107	2.7	16	7
71SO-4010	Non Vapor-tight Overfill Valve, 10 ft. Bury, 10 ft. Tank	120	3.1	102	2.6	234-3/4	5.9	113-1/2	2.9	120	3.1	126	3.2	25	11
71SO-TOOLG	71SO Installation Tool													2.5	1
61JSK-4RMT	Jack Screw Kit For Vapor-Tight Remote Applications													1.5	0.7
61JSK-4410	Jack Screw Kit For Composite Base Spill Buckets													1	0.5
61JSK-44CB	Jack Screw Kit For Cast Iron Base Spill Buckets													1	0.5

Replacement Parts

Part No.	Description
61SOK-0001	Replacement Float Kit
H11931M	Drop Tube Seal
H14840M	Lower Tube Seal

61JSK-4410 AND 61JSK-44CB Instruction Sheet Order Number: H15289M

All vapor tight 71SO models are also available in a testable model by adding a "T" to the end of the product number.

OPW

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OPW Fueling Containment Systems

3250 Highway 70 Business West
Smithfield NC, USA 27577
919-934-2786

Mission Statement

Revolutionizing fueling operations globally by optimizing safety, efficiency, reliability, and environmental sustainability through innovative fuel handling and information management solutions

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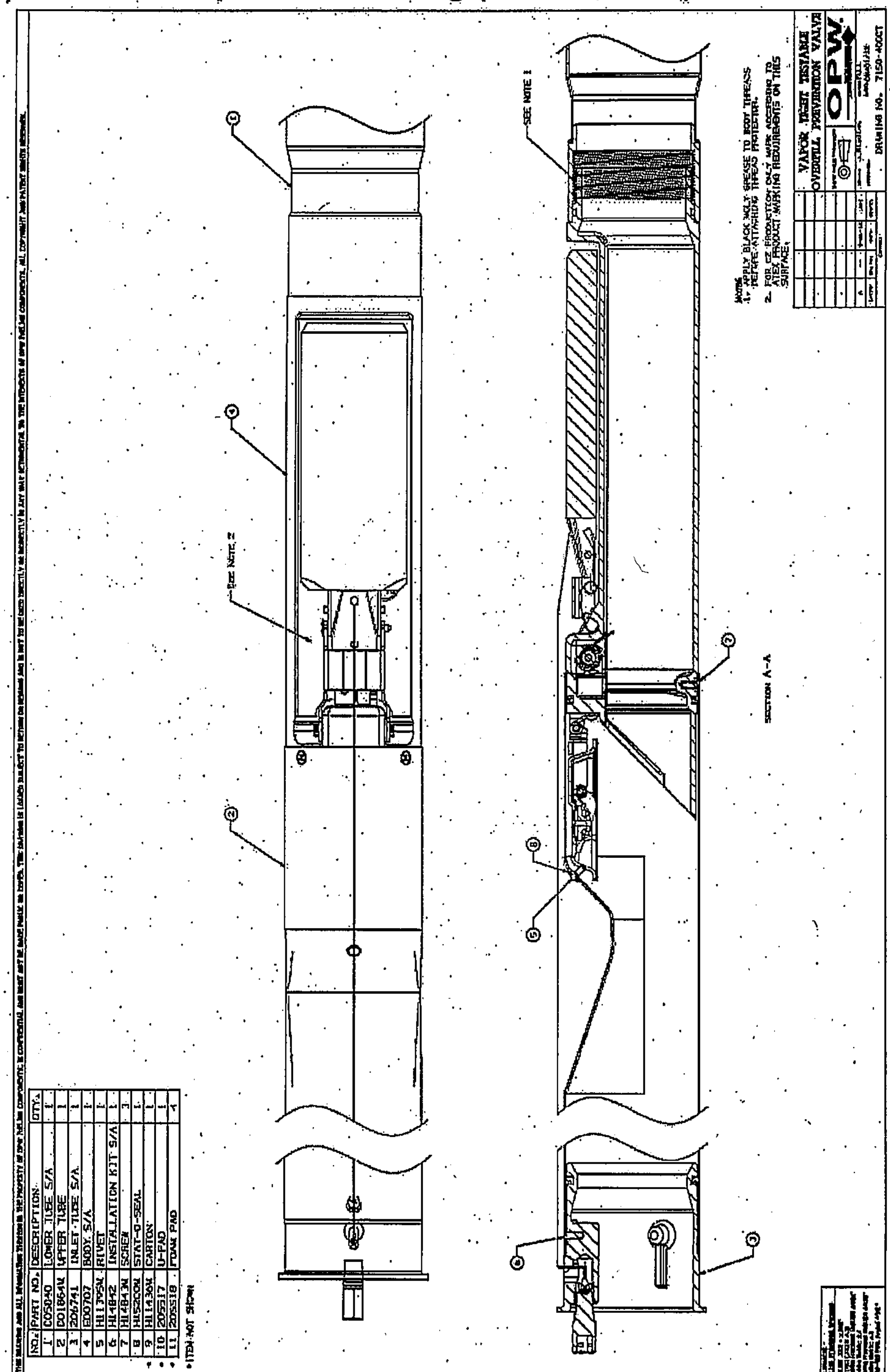
Representative Component Drawing (71SO-400CT)



NO.	PART NO.	DESCRIPTION	QTY.
1	C05040	LOWER TUBE S/A	1
2	C01864M	UPPER TUBE	1
3	206741	INLET TUBE S/A	1
4	E00707	BODY S/A	1
5	H11395M	RIVET	1
6	H14842	INSTALLATION KIT S/A	1
7	H14843M	SCREW	3
8	H15200M	STAT-O-SEAL	1
9	H11436M	CARTON	1
10	205517	U-PAD	1
11	205518	FOAM PAD	4

• ITEM NOT SHOWN

Aaron M. Newman P.E.
3095 Skillman Ln.
Petaluma, CA 94952
707-479-4594
anewmanpe@comcast.net

March 1, 2013

OPW Fueling Components
9393 Princeton-Glendale Rd.
Hamilton, Ohio 45240
800-422-2525

Attn: Kris Kane

RE: Third Party Review and Approval of OPW 71SO Vapor Tight, Overfill Prevention Valve with Test Capability

I have examined and reviewed the following items on the OPW 71SO Vapor Tight, Overfill Prevention Valve with Test Capability.

1. Materials Compatibility
   a. Materials Compatibility Comparison Charts for Standard OPW 71SO and for E85 compatible OPW71SOM
2. ULC Approval
   a. EGXYC.MH21147 Overfill Protection Device

3. OPW Reliability Tests
   a. Report 5196 – 71SO-400CT Flow Rate Test
   b. Report 5236 – 71SO-400CT Cable Cycle Test
   c. Report 5237 – 71SO-400CT Pull Test on Cable Components
   d. Report 5238 – 71SO-400CT Orifice Flow Rate Test
   e. Report 5239 – 71SO-400CT Float Cycle Test
   f. Report 5240 – 71SO-400CT Excess Cable Test
   g. Report 5241 – 71SO-400CT Pressure Decay Test
   h. Report 5242 – 71SO-400CT Field Test Site #1
   i. Report 5243 – 71SO-400CT Field Test Site #2

Aaron M. Newman P.E.
3095 Skillman Ln.
Petaluma, CA 94952
707-479-4594
anewmanpe@comcast.net

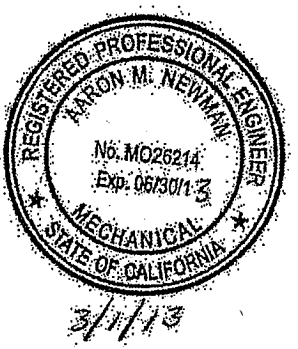
4. Testable 71SO-T Overfill Prevention Valve Operation Description literature dated 10/12

5. Installation and Maintenance Instructions
   a. Assembly, Installation and Maintenance Instructions for OPW 71SO Vapor Tight , Overfill Prevention Valves

Based on a careful review and analysis the information provided by OPW, I hereby certify that the OPW 71SO Vapor Tight, Overfill Prevention Valve with Test Capability will shut-off flow upon reaching a predetermined level and that it meets overfill requirements described in CALIFORNIA CODE OF REGULATIONS, Title 23. Waters, Division 3. State Water Resources Control Board and Regional Water Quality Control Boards, Chapter 16. Underground Tank Regulations 2635(b)(2)(c). The valve shutoff function is visibly verifiable without removing it from the tank.

Aaron M. Newman P.E.

Aaron M. Newman P.E.
Mechanical Engineer
California Engineers License #M026214



3/1/13

ENHANCED VAPOR RECOVERY MULTI AGENCY REVIEW PROCESS GUIDELINES FOR DETERMINATION OF COMPLIANCE OF ENHANCED VAPOR RECOVERY SYSTEMS WITH UNDERGROUND STORAGE TANK STATUTES

May 24, 2005

Background:

Health and Safety Code (HSC), chapter 6.7, section 25290.1.2(a) requires the Air Resources Board (ARB) and State Water Resources Control Board (State Water Board) to determine collaboratively, to the best of their knowledge and using existing resources, that the equipment that meets the ARB's Enhanced Vapor Recovery (EVR) requirements also meets underground storage tank (UST) statutory requirements. Assembly Bill 2955 (Statutes 2004, Chapter 649) added this provision. To implement this new requirement, ARB and State Water Board staff are proposing the following guidelines. ARB and State Water Board staff will continue their regular meetings to discuss any overlapping issues and coordinate to the extent practical to minimize any new deadline conflicts between the two agencies' requirements.

Guidelines For New EVR Systems And Modifications To Existing EVR Systems:

1. For new EVR system applications and EVR modification requests, the ARB will copy the State Water Board on the first correspondence with the equipment manufacturer regarding this topic. The State Water Board review process will begin once it is notified that the equipment manufacturer responds to the ARB's letter.

   The ARB will notify the EVR system equipment manufacturer, in writing, that the manufacturer is required to submit specific information to the State Water Board. Specific information that the equipment manufacturer must provide to the State Water Board, UST Program Manager includes:

   A. A description of the proposed EVR system or proposed modification to an existing EVR system.
   B. An equipment list of the proposed EVR system or proposed modification to an existing EVR system.
   C. Independent testing organization (e.g., UL) and third-party testing results.
   D. A statement signed by a California registered professional engineer, that the proposed EVR system meets the requirements of chapter 6.7, HSC. (A sample statement is included in Appendix I of the guidelines.)
   E. A summary of the items reviewed by the California registered professional engineer in support of the statement referenced in D.

   During the review period, State Water Board may seek clarification of the information submitted from the EVR system equipment manufacturer.

   State Water Board staff will advise local agencies and other interested parties via email that the EVR system is under review so that they may comment.

2. After State Water Board staff review the information outlined above in guideline #1, the State Water Board will notify the applicant and the ARB of its determination. The State Water Board determination will be made no later than the end of the California Air Pollution Control Officer Association (CAPCOA) Executive Order (E.O.) comment period or a date mutually agreed upon by ARB and State Water Board staff.
3. The ARB will issue an E.O. after determining that the proposed EVR system meets the requirements of section 94011, of title 17, CCR and after receiving all required determination letters (e.g., from the Office of the State Fire Marshal, State Water Board, Division of Measurement Standards, and Division of Occupational Safety and Health).
4. The E.O.s and specific information (including the State Water Board determination) will be posted on the ARB and the State Water Board websites.

Appendix

Certification Statement for the OPW 71SO Vapor Tight, Overfill Prevention Valve with Test Capability [1]

Based on a careful review and analysis, I hereby certify that the **OPW 71SO Vapor Tight, Overfill Prevention Valve with Test Capability** which is under consideration for California Air Resources Board (ARB) certification, meets the requirements of Chapter 6.7 of the California Health and Safety Code (the State Water Resources Control Board's underground storage tank requirements, including enhanced leak detection and continuous vacuum, pressure, or hydrostatic monitoring.)[2]

The **OPW 71SO Vapor Tight, Overfill Prevention Valve with Test Capability** warranty is valid as long as the system is installed, operated, and maintained according to manufacturer's instructions and in a manner that does not exceed the limitations (e.g., tank capacity, fueling points, throughputs, etc.) described below.

Limitations

Aaron M. Newman 3/1/13	Kris Kane 3-1-13
Signed by (California Professional Engineer) Date	Signed by (Company Representative) Date
Aaron M. Newman P.E.	Kris Kane
Printed Name (California Professional Engineer)	Printed Name (Company Representative)
Aaron M. Newman P.E.	OPW
Professional Engineer Company Name	Equipment Manufacturer Name
3095 Skillman Ln.	9393 Princeton - Glendale Rd.
Mailing Address	Mailing Address
Petaluma, CA 94952	Hamilton, OH, 45011
City, State, Zip Code	City, State, Zip Code
707-479-4594	513-870-3162
Phone Number	Phone Number
anewmanpe@comcast.net	kkane@opwfcs.com
Email	Email

REGISTERED PROFESSIONAL ENGINEER AARON M. NEWMAN No. MO26214 Exp. 06/30/13 MECHANICAL STATE OF CALIFORNIA

[1] This certification statement is part of the guidelines developed by the California Air Resources Board (ARB) and State Water Resources Control Board (State Water Board) to implement provisions of Assembly Bill 2955 (Statutes 2004, Chapter 649, McCarthy).

[2] This certification is based on the presumption that the **OPW 71SO Vapor Tight, Overfill Prevention Valve with Test Capability** is constructed, installed, maintained, and operated in accordance with all applicable requirements of Chapter 6.7 of California Health and Safety Code and Chapter 16 of California Code of Regulations.

Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Executive Office

Tam M. Doduc, Board Chair
1001 I Street • Sacramento, California 95814 • (916) 341-5611
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5621 • http://www.waterboards.ca.gov

Arnold Schwarzenegger
Governor

Delegation Authority to Division Chief

TO: James Goldstene
Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95814

FROM: Dorothy Rice
Executive Director
EXECUTIVE OFFICE

DATE: April 9, 2008

SUBJECT: Designation for Purposes of Implementing of Health and Safety Code Section 25290.1.2 (Underground Storage Tank Vapor Recovery Equipment)

Section 25290.1.2 of Chapter 6.7 of Division 20 of the Health and Safety Code (concerning underground storage tanks) requires the State Water Resources Control Board (State Water Board), and the State Air Resources Board under the direction of the California Environmental Protection Agency, to work collaboratively with existing resources to "certify, to the best of their knowledge, that the equipment that meets the requirements of Section 94011 of Title 17 of the California Code of Regulations for enhanced vapor recovery systems at gasoline dispensing facilities, as implemented by the State Air Resources Board, also meets the requirements of [Chapter 6.7]." (Health & Saf. Code § 25290.1.2, subd. (a).) Subdivisions (b) and (c) of section 25290.1.2, respectively, describe the certification process and specify notification requirements for certifications made pursuant to this section. Subdivision (d) of section 25290.1.2 provides that this section "shall be implemented by the executive directors of the [State Water Board] and of the State Air Resources Board, or by their designees."
The purpose of this memorandum is to notify you that, in addition to the Executive Director, the Chief of the Division of Water Quality is also authorized to implement Health and Safety Code section 25290.1.2.

cc: See next page.

cc: George Lew
Air Resources Board
Engineering and Certification Branch
1927 13th Street
Sacramento, CA 95814

Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Executive Office

Tam M. Doduc, Board Chair
1001 I Street • Sacramento, California 95814 • (916) 341-5615
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5621 • http://www.waterboards.ca.gov

Arnold Schwarzenegger
Governor

DELEGATION Authority to DIVISION Chief

TO: Dorothy Rice
Executive Director
Executive Office

FROM: Jonathan Bishop
Chief Deputy Director
EXECUTIVE OFFICE
APR 8 2008

DATE:

SUBJECT: Designation for Purposes of Implementing Health and Safety Code Section 25290.1.2 (Underground Storage Tank Vapor Recovery Equipment)

Health and Safety Code, Chapter 6.7, section 25290.1.2, subdivision (a) requires the Air Resources Board (ARB) and the State Water Resources Control Board (State Water Board) to determine collaboratively, to the best of their knowledge and using existing resources, that equipment that meets ARB's Enhanced Vapor Recovery (EVR) requirements also meets the State Water Board's underground storage tank (UST) statutory requirements. Section 25290.1.2, subdivision (d) specifies that the determination process "shall be implemented by the executive directors of the [State Water Board] and of the State Air Resources Board, or by their designees."

I recommend that you designate the Chief of the Division of Water Quality to implement section 25290.1.2. If you concur, please sign the attached Designation Memo.

When the statutory requirement for State Water Board determination of EVR equipment compliance went into effect in September 2004, State Water Board UST Program staff worked with ARB staff and the regulated community to develop the *Enhanced Vapor Recovery Multi Agency Review Process Guidelines for Determination of Compliance of Enhanced Vapor Recovery Systems with Underground Storage Tank Statutes*, attached for your reference and hereafter referred to as Guidelines. Since then, EVR systems have been reviewed by State Water Board UST Program staff in accordance with the Guidelines. If, after reviewing the EVR equipment as described in the Guidelines, UST Program management determines that the equipment meets applicable State Water Board UST statutory requirements, a letter is drafted and routed to the Executive Director for review and signature.

This process has worked adequately, but it could be expedited significantly by designating a person in lower level management to implement section 25290.1.2. EVR system determination letters are often time dependent, and must be completed before the ARB can issue an Executive Order for the related EVR equipment. Accordingly, it is desirable to make the State Water Board determination process as expeditious as possible while still ensuring a thorough technical and legal review. As indicated above, subdivision (d) of section 25290.1.2 allows the Executive Director to designate other persons to implement section 25290.1.2.

Attachments:

1) Designation Memo
2) Enhanced Vapor Recovery Multi Agency Review Process Guidelines for Determination of Compliance of Enhanced Vapor Recovery Systems with Underground Storage Tank Statutes

ENHANCED VAPOR RECOVERY MULTI AGENCY REVIEW PROCESS GUIDELINES FOR DETERMINATION OF COMPLIANCE OF ENHANCED VAPOR RECOVERY SYSTEMS WITH UNDERGROUND STORAGE TANK STATUTES

May 24, 2005

Background:

Health and Safety Code (HSC), chapter 6.7, section 25290.1.2(a) requires the Air Resources Board (ARB) and State Water Resources Control Board (State Water Board) to determine collaboratively, to the best of their knowledge and using existing resources, that the equipment that meets the ARB's Enhanced Vapor Recovery (EVR) requirements also meets underground storage tank (UST) statutory requirements. Assembly Bill 2955 (Statutes 2004, Chapter 649) added this provision. To implement this new requirement, ARB and State Water Board staff are proposing the following guidelines. ARB and State Water Board staff will continue their regular meetings to discuss any overlapping issues and coordinate to the extent practical to minimize any new deadline conflicts between the two agencies' requirements.

Guidelines For New EVR Systems And Modifications To Existing EVR Systems:

1. For new EVR system applications and EVR modification requests, the ARB will copy the State Water Board on the first correspondence with the equipment manufacturer regarding this topic. The State Water Board review process will begin once it is notified that the equipment manufacturer responds to the ARB's letter.

   The ARB will notify the EVR system equipment manufacturer, in writing, that the manufacturer is required to submit specific information to the State Water Board. Specific information that the equipment manufacturer must provide to the State Water Board, UST Program Manager includes:

   A. A description of the proposed EVR system or proposed modification to an existing EVR system.
   B. An equipment list of the proposed EVR system or proposed modification to an existing EVR system.
   C. Independent testing organization (e.g., UL) and third-party testing results.
   D. A statement signed by a California registered professional engineer, that the proposed EVR system meets the requirements of chapter 6.7, HSC. (A sample statement is included in Appendix I of the guidelines.)
   E. A summary of the items reviewed by the California registered professional engineer in support of the statement referenced in D.

   During the review period, State Water Board may seek clarification of the information submitted from the EVR system equipment manufacturer.

   State Water Board staff will advise local agencies and other interested parties via email that the EVR system is under review so that they may comment.

2. After State Water Board staff review the information outlined above in guideline #1, the State Water Board will notify the applicant and the ARB of its determination. The State Water Board determination will be made no later than the end of the California Air Pollution Control Officer Association (CAPCOA) Executive Order (E.O.) comment period or a date mutually agreed upon by ARB and State Water Board staff.

3. The ARB will issue an E.O. after determining that the proposed EVR system meets the requirements of section 94011, of title 17, CCR and after receiving all required determination letters (e.g., from the Office of the State Fire Marshal, State Water Board, Division of Measurement Standards, and Division of Occupational Safety and Health).

4. The E.O.s and specific information (including the State Water Board determination) will be posted on the ARB and the State Water Board websites.